

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**FILED
CHARLOTTE, NC**

JUN 30 2017

US District Court
Western District of NC

CIVIL FILE NO. 3:15-CV-147

UNDER SEAL

**UNITED STATES OF AMERICA and
STATE OF NORTH CAROLINA, *ex rel.*
MARK McGUIRE,**

Plaintiffs,

vs.

**THE CHARLOTTE-MECKLENBURG
HOSPITAL AUTHORITY, INC.,**

Defendant.

**THE GOVERNMENT'S NOTICE OF ELECTION TO INTERVENE
TO EFFECTUATE SETTLEMENT AGREEMENT
AND CONSENT MOTION TO UNSEAL CERTAIN CASE DOCUMENTS**

The United States, the State of North Carolina, Relator and Defendant Charlotte-Mecklenburg Hospital Authority ("CMHA") have reached a settlement to resolve this action. On April 6, 2015, Relator Mark McGuire filed his original complaint in this action naming CMHA and certain other healthcare providers as defendants. The United States and the State of North Carolina investigated the allegations. On June 27, 2017, with the consent of the government and defendant CMHA, Relator filed an amended complaint removing certain named defendants in the original complaint for which relator had no personal knowledge with regard to alleged violations of the False Claims Act and which were not the subject of the Government investigation.

The United States, the State of North Carolina, Relator and CMHA have entered a settlement agreement effective June 30, 2017 (attached as Exhibit A to this Notice). In light of this agreement, and for the purpose of effectuating and formalizing that resolution, pursuant to

the False Claims Act, 31 U.S.C. §§ 3730(b)(4), and the North Carolina False Claims Act, N.C.G.S. § 1-605, et seq., the United States and the State of North Carolina respectfully advise the Court of their decision to intervene in this case for the purposes of settlement.

Pursuant to the terms of the Settlement Agreement (attached as Exhibit A to this Notice) CMHA will pay the United States \$6,500,000.00 within 15 days of the Effective Date of the Settlement Agreement. After such payment the United States, the State of North Carolina and the relator will file a joint notice of dismissal of the case.

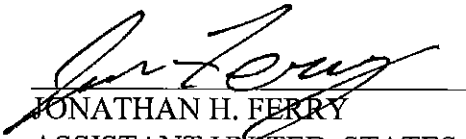
The Government further moves that the relator's Amended Complaint, this Notice, and the attached proposed Order be unsealed. The United States requests that all other papers on file in this action remain under seal because in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended. The government has consulted with counsel for defendant CMHA and relator's counsel and both consent to this motion.

A proposed order accompanies this notice.

Respectfully submitted this 30th day of June, 2017,

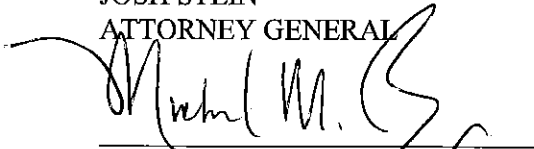
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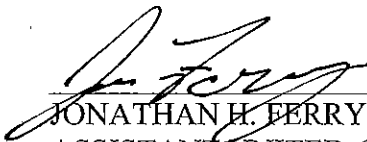
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of June, 2017, the foregoing Government's Notice of Election to Intervene to Effectuate Settlement Agreement and Motion to Unseal Certain Case Documents was served upon the parties below by depositing a copy, correctly addressed and postage prepaid, with the United States Postal Service.

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